



# County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA  
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October 31, 2008

To: Supervisor Yvonne B. Burke, Chair  
Supervisor Gloria Molina  
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Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

## **SACRAMENTO UPDATE - COUNTY-SPONSORSHIP LEGISLATION**

The purpose of this memorandum is to report on County-sponsored legislation, which the Sacramento advocates will pursue, consistent with Board policy, in the 2009-10 Legislative Session. In the budget arena, the Sacramento advocates will continue to focus on the preservation and restoration of State funding.

There are 14 proposals for County-sponsorship or co-sponsorship in the 2009-10 Legislative Session. The proposals are consistent with prior sponsorship of similar legislation, Board action or Board policy. Four of the proposals are initiatives continued from the 2007-08 State Legislative Session, five are the result of Board motions, and the remainder are new sponsorship proposals. Other proposals may emerge based on Board Motions, further discussions with departments, or events in Sacramento.

### **Prior Sponsorship**

#### **Emancipated Foster Youth (Board Motion - January 9, 2007)**

We will pursue County-sponsored legislation to provide enhanced services and financial support to emancipated foster youth between the ages of 18 and 21 years of age.

*"To Enrich Lives Through Effective And Caring Service"*

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In 2007, County-sponsored AB 713 (Maze) was introduced with intent language. During the year, the Sacramento advocates worked with the author's office, the County Welfare Directors Association (CWDA), the John Burton Foundation, legislative staff and child welfare advocates to develop specific proposals which were to be amendments to AB 713 or introduced as alternative legislation in early 2008. However, in light of the Governor's proposed budget for FY 2008-09, which would have significantly reduced funding for Child Welfare Services, the author, the Department of Children and Family Services (DCFS), CWDA, and the Sacramento advocates determined that it would not be prudent to pursue alternative legislation in 2008.

The County's Sacramento advocates continued to work with child welfare advocates to explore alternative proposals to provide services for emancipated foster youth. Additionally, HR 6893, the Federal Fostering Connections to Success and Increasing Adoptions Act of 2008, which extends foster care to youths up to 21 years of age, will affect the development of this legislative proposal. Based on the provisions of this new Federal law, DCFS will work with CWDA, the John Burton Foundation, and the Sacramento advocates to develop State legislation for introduction in the 2009-10 Legislative Session.

#### **Funding Local and Regional Watershed Projects (Board Motions – September 13, 2005 and August 7, 2007)**

We will pursue County-sponsored legislation to allow counties, flood control districts, and other public agencies to implement storm water fees, upon voter approval and/or consistent with the requirements of Proposition 218, to fund clean water programs.

Storm water and urban runoff drain into the flood control system, waterways, and ultimately into the ocean with virtually no treatment. The County, the City of Los Angeles, and other cities within the County are seeking to construct local and regional watershed management projects that can remove pollutants from runoff and also provide other benefits such as water reuse and storage, recreation opportunities, flood control, open space and habitat restoration, which are essential to ensure a healthy environment for our residents.

County-sponsored legislation AB 564 (Brownley) passed the Assembly, but the measure was placed on the Senate Inactive File to avoid the adoption of amendments that were inconsistent with Board policy.

### **Plastic Carryout Bags (Board Motion – January 22, 2008)**

We will pursue County-sponsored legislation to impose fees on plastic carryout bags for litter prevention, to reduce consumption of plastic carryout bags, and to increase recycling of used plastic carryout bags.

On January 22, 2008, the Board instructed the Chief Executive Office to sponsor or pursue legislation to: 1) repeal the provision of AB 2449 (Chapter 845, Statutes of 2006), which prohibits local governments from imposing a fee on plastic carryout bags at supermarkets and retail stores; 2) implement a Statewide fee on plastic bags, with the provision that the funds would be directed to local governments on a per-capita basis for litter prevention and source reduction efforts, or establish Statewide benchmarks to reduce the consumption of plastic carryout bags and increase at-store recycling of plastic bags; and 3) amend provisions of AB 2449 to require an environmental awareness message to be imprinted on each plastic carryout bag describing the negative impacts that littered plastic carryout bags have on the environment and wildlife, and the need to use reusable bags.

County-sponsored AB 2829 (Davis) was introduced in accordance with the Board motion. However, because the Legislature insisted on considering only one plastic carryout bag bill, AB 2829 was merged with AB 2058 (Levine). Ultimately, Assemblymember Levine pursued separate legislation in AB 2769, which contained provisions, which were inconsistent with the County policy. All three bills, AB 2829, AB 2058, and AB 2769, failed passage. Therefore, the County will pursue legislation in the 2009-10 Legislative Session on plastic carryout bags consistent with the Board Motion.

### **Documentary Transfer Tax Proposal (Board Motion – October 30, 2007)**

We will pursue County-sponsored legislation to improve the process for Documentary Transfer Tax (DTT) enforcement, including but not limited to: 1) authorization to develop a mechanism for sharing information between the State Board of Equalization and County Recorders, which could assist in the discovery of undisclosed transactions; and 2) extend the statute of limitations on DTT enforcement to all counties to allow additional time to pursue transfer tax collections.

Pursuant to State law, when real property is conveyed or transferred, the County is authorized to levy a transfer tax. Generally, the transfer tax is paid at the time that a deed is recorded with the Registrar Recorder/County Clerk (RR/CC). However, properties may be transferred by change of ownership with a business entity, not by deed. For example, a corporation or partnership may transfer controlling interests in

portfolios and not record a deed. In these cases, the RR/CC does not become aware of such transactions and consequently, the corporation does not pay the taxes mandated by law. The current statute of limitations places restrictions on how long the County has to collect the transfer tax.

The County considered seeking DTT legislation in 2007; however, discussions among the Sacramento advocates, Board offices, County Counsel, and the CEO Operations Cluster, and pass lack of legislative interest in pursuing this subject, led to the conclusion that the proposal would not be received favorably in Sacramento at that time.

### **Board Motions to Pursue County-Sponsored Legislation**

#### **Retention of Unspent Child Care and Development Funds (Board Motion – March 8, 2008)**

We will pursue County-sponsored legislation to allow the retention of unspent child care development funds in Los Angeles County.

On March 5, 2008, the Board instructed the Chief Executive Office to provide a recommendation for structuring child care policy and directed the Sacramento advocates to explore the feasibility of retaining unspent child care and development funds locally. Based on estimates provided by the Office of Child Care, local child care and development providers returned \$162 million in unspent funding to the State over a three-year period. The Board seeks to retain these funds in the County to expand full-day, full-year child care and development programs to meet the needs of children and families in the County.

AB 1279 (Chapter 759, Statutes of 2008), the 2008 Human Services Budget Trailer bill, requires the California Department of Education to promote full utilization of child care and development funds and to match available unused funds with identified services needs. The Chief Executive Office will monitor implementation of AB 1279 to determine if the measure allows the County to retain unspent child care and development funds.

#### **Sex Offender Registration (Board Motion – April 22, 2008)**

We will pursue County-sponsored legislation to strengthen existing law to ensure that licensed foster and child care providers report registered sex offenders on or near their facilities, and to facilitate county access to State criminal data base information.

In April 2008, the California State Auditor released a report entitled, "Sex Offender Placement." It found that of the 75,000 community care facilities licensed by the California Community Care Licensing Division, the addresses of 49 registered sex offenders matched those of 46 licensed facilities Statewide, including foster and child care facilities. Of these facilities, eight were located in Los Angeles County. All of the facilities were immediately inspected and investigations revealed no incidents of child abuse. On April 22, 2008, the Board instructed the Chief Executive Officer to work in conjunction with the Directors of the Departments of Children and Family Services and Public Social Services, and the County's Sacramento advocates to seek legislation to impose civil or criminal penalties on licensed foster and child care providers who allow and/or fail to report registered sex offenders on or near their facilities.

**Automated System for Sharing Client Information (Board Motion – June 24, 2008)**

We will pursue County-sponsored legislation to address prohibitions against information sharing between agencies.

In June 2008, a five year-old child, who had contact with several County departments, was found to have been severely abused by his mother and another woman. In response to this case, the Board of Supervisors instructed the Chief Executive Office, in conjunction with the County Departments of Children and Family Services, Health Services, Mental Health, Probation, Public Health – Alcohol and Drug Services, Public Social Services, and State and local law enforcement agencies to develop recommendations for legislative changes to address prohibitions against information sharing between agencies.

**Alhambra Unified School District – School Facilities Improvement District (Board Motion – August 5, 2008)**

We will pursue County-sponsored legislation to specifically authorize a county Board of Supervisors to form a School Facilities Improvement District in an individual school district.

On August 5, 2008, the Board adopted a resolution to permit the Alhambra Unified School District to form a School Facilities Improvement District and to allow the District to place an elementary school bond measure on the November 2008 ballot. The Board also instructed the Chief Executive Officer to pursue legislation to make it clear that formation of a School Facilities Improvement District does not need to be operative throughout a county and can be limited to individual school districts at the discretion of the Board of Supervisors of any county.

### **In-Home Supportive Services Fraud Prevention (Board Motion – September 2, 2008)**

We will pursue County-sponsored legislation to improve program integrity and prevent fraud in the In-Home Supportive Services (IHSS) Program.

The 2007-08 Los Angeles Grand Jury Final Report included findings and recommendations to reduce fraud in the IHSS program. On September 2, 2008, the Board directed the Chief Executive Officer, in consultation with the Director of Public Social Services, the Acting Chief Information Officers, and the County's Sacramento advocates to report back to the Board on potential strategies, both on a legislative and operational level, to improve program integrity and prevent fraud in the IHSS Program.

### **New Recommendations for County-Sponsored Legislation**

#### **Child Care Recruitment/Retention Incentive Program (Requested by the Office of Child Care)**

We will pursue County-sponsored legislation to eliminate the June 30, 2009 sunset date enacted in County-sponsored AB 1285 (Chapter 650, Statutes of 2005) which authorized the County to expand the Child Care Recruitment/Retention Incentive Program to educational stipends for child care providers. This proposal is consistent with Board action to sponsor AB 1285.

AB 212 (Chapter 547, Statutes of 2000), requires the State to appropriate a portion of child care and development funds to improve the retention of qualified child care and development teachers working in centers that contract with the California Department of Education/Child Development Division (CDE/CDD) by providing education stipends. This program is known locally as the Investing in Early Educators Program (IEEP).

In 2005, County-sponsored AB 1285 (Montanez) authorized the County to expand the IEEP to include persons working in licensed family child care homes and child care centers that do not hold CDE contracts. As a result of the expansion, 762 teachers working in non-CDE/CDD-contracted child care centers have participated in IEEP since 2005. However, provisions of AB 1285 will sunset on June 30, 2009. Legislation is needed to remove the sunset date and make the provisions of AB 1285 permanent.

#### **Kin-GAP Funding (Requested by the Department of Children and Family Services)**

We will pursue County-sponsored legislation to continue Kin-GAP payments to the relative caretaker when a parent, relative, or party other than the relative caregiver files

a petition to request a visitation or a change in guardianship. This proposal is consistent with existing Board policy to support efforts to enhance legal permanency for children in foster care by enhancing Kin-GAP, and supporting subsidized legal guardianship.

The Kin-GAP Program is intended to enhance family preservation and stability by recognizing that many foster youth are in long-term, stable placements with relatives and that these placements are permanent for the child. A dependent child who has been living with a relative caretaker for at least twelve months may receive a subsidy equal to 100 percent of the foster care rate, approximately \$558 per month, if the relative assumes guardianship. Once Kin-GAP is approved, the dependency is dismissed.

If a parent, relative or other party files a petition for a change in the court orders, Kin GAP is terminated, dependency is re-instated and the matter is calendared for a hearing. The ensuing investigation may continue from 30 days to several months. During this time, the child remains in the home of the guardian; however, the placement is no longer funded unless the relative caretaker applies for CalWORKs or foster care. This creates a serious financial hardship for Kin-GAP children and their families. It also places former dependent children at greater risk when their guardians are left without the financial means to provide for their care. Amending State law to continue Kin-GAP payments through the petition process would ensure that relative caretakers receive the financial support necessary to provide safe and stable homes for former dependent children.

#### **Background Checks for Foster Youth Mentors (Requested by the Department of Children and Family Services)**

We will pursue County-sponsored legislation to allow Child Abuse Criminal Index (CACI) background investigations for all potential mentors of foster children and youth. This proposal is consistent with the existing Board policy to support efforts to enhance child safety.

The Department of Children and Family Services indicates that foster youth mentoring candidates currently undergo CACI background investigations only if they provide mentoring services through a Community Care Licensed (CCL) agency and if the mentored youth lives in a CCL facility. It is essential that all agencies that recruit mentors have the ability to conduct complete background checks to ensure the safety of every foster child and youth matched with a mentor.

### **Uniform Implementation of Electronic Signatures (Requested by the Department of Public Social Services)**

We will pursue County co-sponsored legislation with the County Welfare Directors Association to require the State and counties to develop priorities and an implementation plan to incorporate the use of an electronic signature in some or all of the following programs: CalWORKs, Medi-Cal, Food Stamps, In-Home Supportive Services, and Child Welfare Services. This proposal is consistent with existing Board policy to support options to simplify the administration of public assistance organizations.

Current State and Federal law support counties use of electronic signatures in government programs, including social services. An electronic signature is any one of a variety of methods which would allow someone to "sign" in order to access or submit an electronic record. This process could facilitate implementation of on-line applications for human services programs, the electronic submission of documents by recipients of these programs, cost savings and efficiencies in service delivery, and improved access to services.

However, State law does not provide guidelines and standards to implement electronic signatures and the Department of Public Social Services (DPSS) indicates that this situation hinders individual counties' ability to incorporate electronic signatures into their programs because the State maintains authority to later introduce regulations which may require either changing or stopping the electronic signature process a county puts in place. DPSS further indicates that the California Department of Social Services and the California Department of Health Care Services support a "piecemeal" approach to implementing electronic signatures. This could result in a patchwork of different electronic signature and record processes across the State. The State and counties should work together to develop a statewide plan and standards for the use of electronic signatures in social services programs.

### **Use of Condoms in the Adult Film Industry (Requested by the Commission on HIV)**

We will pursue County-sponsored legislation to require the use of condoms by performers in the adult film industry (AFI), require adult film companies to provide and pay for HIV and sexually transmitted disease (STD) testing and vaccination for performers, and require the companies to develop written health and safety programs for performers at film production worksites. This is consistent with the existing policy to support legislation to regulate the adult film industry to decrease the risk of occupationally acquired HIV and other STDs.



Each Supervisor  
October 31, 2008  
Page 9

HIV and STD transmission pose a serious threat to public health. Due to the nature of their work, AFI performers are at a significantly higher risk for HIV/STD exposure and transmission than the general public. STDs are common among AFI performers, and can only be identified through vigilant screening, which may detect diseases in the early stages, but it often fails to prevent transmission as occurred in the recent HIV outbreak in the AFI in 2004.

AFI performers often rely on public health care systems when they are sick, HIV or STD-infected. As the largest center for adult film production in the world, Los Angeles County and its health care system have the greatest share of costs and face the greatest consequences resulting from occupationally acquired HIV and other STDs. This proposal would help to ensure the protection of AFI workers, limit the spread of HIV and other STDs, and reduce the impact on our public health care system.

We will keep you advised.

WTF:GK:ML  
VE:sb

c: All Department Heads  
Legislative Strategist  
Local 721  
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California Contract Cities Association  
Independent Cities Association  
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